

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF FEBRUARY 26, 2009

Stephen Huddleston, J.D., President called the meeting to order at 10:00 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer
Member, President
Robert Allen, M.D.
Worthe Holt, Jr., M.D.
Bharat Barai, M.D.

Members Not Present: Navin Barot, M.D., Vice President
Donald Vennekotter, M.D.
Thomas Akre, D.O., Secretary

Staff Present: Kristen Kelley, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Allen/Barai, 4/0/0
Motion carries

The Board voted to adopt the minutes of the January 22, 2009 meeting and the February 2, 2009 telephone conference call meeting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Barai/Allen, 4/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following hearing was continued:

Steven Cervi-Skinner, M.D., License No. 01064352A, Cause No. 2008 MLB 0035

David L. Burger, M.D., License No. 01029939A, Cause No. 2008 MLB 0038

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

An agreement between the Respondent and the Attorney General's Office was presented to the Board. The agreement included a fine of \$1,000 and conditions that he must remain compliant with his Texas and Washington orders

During discussion the Board voiced their concern regarding this agreement, indicating that they would prefer a term of probation along with the fine.

The state requested to TABLE this matter.

After reviewing the agreement and taking its file into consideration the Board moved to TABLE this matter.

CONSENSUS
Motion carries

John R. Dykes, M.D., License No. 01047611A, Cause No. 2008 MLB 0046

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Barai/Holt, 4/0/0
Motion carries

Bruce D. Fowler, M.D., License No. 01037046A, Cause No. 2008 MLB 0040

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

An agreement between the Respondent and the Attorney General's Office was presented to the Board. The agreement included INDEFINITE PROBATION with terms and conditions. Respondent may not request the Board to remove the probation until the successful completion of his ISMA contract.

After reviewing the agreement and taking its file into consideration the Board moved to ACCEPT the agreement.

Barai/Holt, 4/0/0
Motion carries

Jennifer Wilson, M.D., License No. 01063111A, Cause No. 2008 MLB 0032

Respondent did appear in person and was represented by Mary Watts regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The agreement included INDEFINITE PROBATION with terms and conditions and may not request withdrawal or probation for twelve (12) months.

After reviewing the agreement and taking its file into consideration, the Board moved to ACCEPT the agreement.

Holt/Barai, 3/0/1, with Dr. Allen abstaining
Motion carries

Adolfo P. Hernandez, M.D., License No. 01051677A, Cause No. 2008 MLB 0013

Respondent did not appear in person and was not represented by counsel regarding a NOTICE OF PROPOSED DEFAULT scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

After having considered the evidence presented and taking official notice of its file in this case, the Board moved to hold the Respondent's license in DEFAULT.

The Respondent was indicted by a Grand Jury in March 2008. He was sentenced to 72 months in federal prison and upon release will be on 6 years of parole. He was convicted of dispensing Oxycontin for non-medical purposes.

The Board further moved to REVOKE the Respondent's license.

Barai/Allen, 4/0/0
Motion carries

John Heidingsfelder, M.D., License No. 01037311A, Cause No. 2006 MLB 0037

Respondent did appear in person and was not represented by counsel regarding a Petition to Modify the Order of Probation scheduled before the Board. The State of Indiana was represented by Mike Minglin, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Dr. Heidingsfelder is requesting to obtain his board ordered continued medical education units at Case Western Reserve rather than Vanderbilt which is required in his current probationary order. He is also requesting to have until September 2009 to complete the courses.

After review of the material submitted and taking its file into consideration the Board moved to ACCEPT the course substitute at Case Western Reserve and extended the deadline to the end of 2009.

Allen/Barai, 4/0/0
Motion carries

Lesley Scholl, M.D., License No. 01037897A, Cause No. 2009 MLB 0002

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Respondent has been charged in the Northern District of Indiana with one count of "knowingly transferring a Title 26 firearm, a silencer" and one count of "used and caused another to use a facility of interstate commerce with the intent that a murder(s) be committed in violation of the laws of the State of Indiana as consideration for the receipt of, and as consideration for a promise and agreement to pay, things of pecuniary value".

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Barai/Allen, 4/0/0
Motion carries

Stephanie Colson Sharpe, M.D., License No. 01051569A, Cause No. 2007 MLB 0017

Respondent did appear in person and was represented by James Voyles and Bruce Boje, regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

The following were sworn in as witnesses: Ryan Moe, M.D., Barbara Smith, ProService Staffing, Kimberly Nichols, RPh, Kathleen Clark, N.P., Fred Frick, M.D.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

After having considered the evidence presented, testimony of witnesses and taking official notice of its file in this matter the Board moved to DISMISS the Order to Show Cause based upon the evidence they do not believe she violated her probation order.

Barai/Allen, 4/0/0
Motion carries

The Board further moved to schedule a hearing for modification of probation at the March 2009 meeting.

Barai/Allen, 4/0/0
Motion carries

Michael J. Mulligan, M.D., License No. 01043312, Cause No. 2007 MLB 0023

Respondent did appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Candace Backer, ISMA was sworn in as a witness for the State.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Dr. Mulligan was placed on probation in 2007. In December 2007, he relapsed. He had a positive drug screen, according to ISMA. This is Dr. Mulligan's second Order to Show Cause since he was placed on probation.

Dr. Mulligan stated that he does not believe he is an alcoholic. He stated he is a family practice physician and hasn't prescribed since 2006.

Candace Backer with ISMA testified that Dr. Mulligan has had 5 documented arrests for alcohol. He was diagnosed as an alcoholic. They do approximately twenty-six (26) urine drug screens per year. He has not gotten a full blown evaluation. Dr. Butler in Louisville recommended a neuropsychiatric test so they have recommended that he not practice until that test evaluation is received.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in the matter the Board moved that Dr. Mulligan did violate his Probation Order.

Allen/Barai, 4/0/0
Motion carries

The Board further moved to MODIFY the terms of his PROBATION ORDER as follows:

Cannot practice until he submits and the Board approves the following:

- Satisfactory report from ISMA indicating whether further neuropsychiatric testing is needed and if they approve him to work.
- Supervisory program – must submit a proposal from his employer on how he will be supervised/trained. Must be approved by Board.
- Must complete 30 hours of CME in his specialty.

- Must be evaluated my CPEP.

Barai/Holt, 4/0/0
Motion carries

Ryan Wallace, M.D., License No. 01061221A, Cause No. 2008 MLB 0048

Respondent did appear in person and was represented by Mary Watts regarding a Disciplinary Hearing and Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The agreement included INDEFINITE PROBATION with terms and conditions and he may not request withdrawal upon the successful completion of his ISMA contract.

After reviewing the agreement and taking its file into consideration, the Board moved to ACCEPT the agreement.

Holt/Allen, 3/0/1, with Dr. Barai abstaining
Motion carries

Brad J. Strausburg, M.D., License No. 01029845A, Cause No. 2008 MLB 0037

Respondent did appear in person and was represented by James Voyles regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Elizabeth Keifner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Candace Backer, ISMA was sworn in as a witness for the Respondent.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The agreement included INDEFINITE PROBATION with terms and conditions and he may request withdrawal of probation upon successful completion of his ISMA contract.

After reviewing the agreement, testimony of the witness and taking its file into consideration the Board moved to ACCEPT the agreement.

Holt/Allen, 4/0/0
Motion carries

PERSONAL APPEARANCES

INITIAL/RENEWAL APPLICANT

The following appeared before the full Board for his scheduled personal appearances and was sworn in under oath.

Thomas Eichhorn, M.D. – Dr. Eichhorn appeared before the Board and was not represented by counsel regarding his employment since his license expired.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Dr. Eichhorn has not practiced since 1996 due to illness.

He indicated that in 2005 he attended two (2) review meetings one at Harvard and one with the American College of Cardiology. Prior to that, in the 1990's, he worked several self-study programs. It has been thirteen (13) years since he has done clinical practice.

The Board informed Dr. Eichhorn that in order to consider his request they would like the following information:

- Minimum of 6 months didactic fellowship program to bring his skills up to date
- Program Director should appear with Dr. Eichhorn with an outline of the program
- Letter from his Psychiatrist indicating that he is fit to practice

After discussion the Board moved to TABLE this matter.

Barai/Holt, 4/0/0
Motion carries

DISCUSSION

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Recall and revote of LSA Document #08-418, Occupational Therapy Continuing Competency Rules. The Board previously adopted these rules at their meeting in December 4, 2008, however, the letter from the Office of Management Budget was not considered as it was not received by our office until December 29, 2008.

The Board considered the OMB memo, and how this rule would impact small businesses and approved to adopt the rule in the format approved at the December 4, 2008 meeting.

Holt/Allen, 4/0/0
Motion carries

REVIEW OF INITIAL APPLICATIONS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

The Board reviewed the positive response information on the following applicant and approved him for issuance: Holt/Allen, 4/0/0

Freddie Hillman, M.D.

Michael Risk, M.D., Initial application – The Board reviewed the request of a waiver of the ten (10) year rule. Dr. Risk went over the ten (10) years while obtaining his PhD.

After discussion the Board moved to APPROVE the waiver based upon his PhD.

Allen/Barai, 4/0/0
Motion carries

The Board reviewed the positive response information on the following applicants and requested a personal appearance. Barai/Allen, 4/0/0 motion carries

Celso Agner, M.D.
Roderick Matticks, M.D.
Daniel Schwarts, M.D.

Hassan Akinbiy, M.D.
Ruban Nirmalan, M.D.

Marvin Goldberg, D.O. – needs to submit court judgment information
Yassir Sobol, M.D. – needs to have an addictionology evaluation prior to appearance.

The Board reviewed the request for waivers on the following applicants and gave them the opportunity to withdraw. If they choose not to withdraw, their application will be considered denied. They have twenty (20) days to respond.
Holt/Allen, 4/0/0 motion carries

Grassan Mohama, M.D. – requested waiver of three (3) attempts rule
Sandhya Sarwate, M.D. – requested a waiver of two (2) years post graduate requirements

Johan Verhulst, M.D. – requested a waiver of two (2) years post graduate requirements

PERMIT/LICENSURE APPLICATIONS

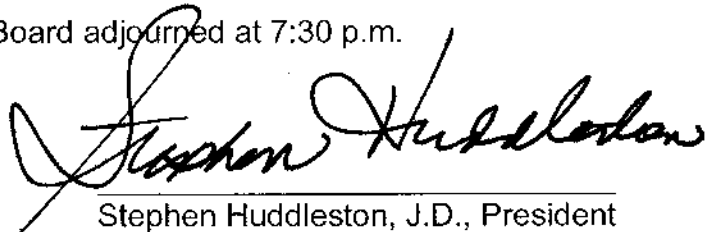
The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Allen/Barai, 4/0/0

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Barbara Battista, 10000615A
Alysa Fog, 10000973A
Bryan Hudson, 10000874A
Ana Jimenez, 10000833A
Charles Martin, 10000978A
Starr Newman, 10000712A
Kevin Smith, 10000208A

Jennifer Bonafede, Initial app
Kristin Hauck, 10000759A
Autumn Jackson, Initial app
Whitney Kirsch, 10000905A
Kenneth Massey, 10000863A
Matthew Prichard, 10000901A

There being no further business the Board adjourned at 7:30 p.m.



Stephen Huddleston, J.D., President

Thomas Akre, D.O., Secretary